

AMENDED IN SENATE APRIL 24, 2003

SENATE BILL

No. 731

Introduced by ~~Senator Ackerman~~ Senators *Brulte and Denham*

February 21, 2003

An act to amend ~~Section 3208 of the Labor~~ Sections 3351, 3352, and 3363.5 of, and to repeal Sections 3370 and 3371 of, the Labor Code, and to amend Sections 2601, 4017, and 4024.2 of, and to repeal Section 5069 of, the Penal Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

SB 731, as amended, ~~Ackerman~~ *Brulte*. Workers' compensation: state and local inmates.

Existing law requires that each inmate of a state penal or correctional institution be entitled to workers' compensation benefits for an injury arising out of, and in the course of, assigned employment and for the death of the inmate if the injury proximately causes death, subject to prescribed conditions. Existing law requires the Administrative Director of the Division of Workers' Compensation to formulate procedures for the selection and orderly referral of injured inmates of state penal or correctional institutions who may be benefited by rehabilitation services and retrained for other positions upon release from incarceration.

This bill would repeal these requirements and would make conforming changes.

Existing law provides that whenever certain persons confined in the county or city jail suffer injuries or death while working in the prevention or suppression of forest, brush, or grass fires, he or she shall be considered to be an employee of the county or city, respectively, for purposes of workers' compensation. Existing law further provides that,

as a condition of assigning participants of a work release program to perform manual labor in support of nonprofit organizations, the board of supervisors of any county shall obtain workers' compensation insurance to cover work-related injuries incurred by those participants.

This bill would delete these provisions.

Existing law excludes various persons from the definition of employee for purposes of workers' compensation.

This bill would exclude from this definition certain persons confined in the county or city jail, regardless of whether the services performed are on a voluntary or involuntary basis, and would make conforming changes.

~~Existing law establishes a workers' compensation system to compensate an employee for injuries incurred arising out of or in the course of employment.~~

~~Existing law, for purposes of workers' compensation, defines injury to include any injury or disease arising out of the employment, including injuries to artificial members, dentures, hearing aids, eyeglasses, and medical braces of all types.~~

~~This bill would make technical, nonsubstantive changes to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 3208 of the Labor Code is amended to~~

2 *SECTION 1. Section 3351 of the Labor Code is amended to*

3 *read:*

4 3351. "Employee" means every person in the service of an
5 employer under any appointment or contract of hire or
6 apprenticeship, express or implied, oral or written, whether
7 lawfully or unlawfully employed, and includes all of the
8 following:

9 (a) Aliens and minors.

10 (b) All elected and appointed paid public officers.

11 (c) All officers and members of boards of directors of
12 quasi-public or private corporations while rendering actual service
13 for the corporations for pay; provided that, where the officers and
14 directors of the private corporation are the sole shareholders
15 ~~thereof of the corporation~~, the corporation and the officers and

1 directors shall come under the compensation provisions of this
2 division only by election as provided in subdivision (a) of Section
3 4151.

4 (d) Except as provided in subdivision (h) of Section 3352, any
5 person employed by the owner or occupant of a residential
6 dwelling whose duties are incidental to the ownership,
7 maintenance, or use of the dwelling, including the care and
8 supervision of children, or whose duties are personal and not in the
9 course of the trade, business, profession, or occupation of the
10 owner or occupant.

11 ~~(e) All persons incarcerated in a state penal or correctional~~
12 ~~institution while engaged in assigned work or employment as~~
13 ~~defined in paragraph (1) of subdivision (a) of Section 10021 of~~
14 ~~Title 8 of the California Code of Regulations, or engaged in work~~
15 ~~performed under contract.~~

16 ~~(f)~~ All working members of a partnership or limited liability
17 company receiving wages irrespective of profits from the
18 partnership or limited liability company; provided that where the
19 working members of the partnership or limited liability company
20 are general partners or managers, the partnership or limited
21 liability company and the partners or managers shall come under
22 the compensation provisions of this division only by election as
23 provided in subdivision (a) of Section 4151. If a private
24 corporation is a general partner or manager, “working members
25 of a partnership or limited liability company” shall include the
26 corporation and the officers and directors of the corporation,
27 provided that the officers and directors are the sole shareholders
28 of the corporation. If a limited liability company is a partner or
29 member, “working members of the partnership or limited liability
30 company” shall include the managers of the limited liability
31 company.

32 ~~(g)~~

33 (f) For the purposes of subdivisions (c) and ~~(f)~~ (e), the persons
34 holding the power to revoke a trust as to shares of a private
35 corporation or as to general partnership or limited liability
36 company interests held in the trust, shall be deemed to be the
37 shareholders of the private corporation, or the general partners of
38 the partnership, or the managers of the limited liability company.

39 SEC. 2. Section 3352 of the Labor Code is amended to read:

40 3352. “Employee” excludes the following:

1 (a) Any person defined in subdivision (d) of Section 3351 who
2 is employed by his or her parent, spouse, or child.

3 (b) Any person performing services in return for aid or
4 sustenance only, received from any religious, charitable, or relief
5 organization.

6 (c) Any person holding an appointment as deputy clerk or
7 deputy sheriff appointed for his or her own convenience, and who
8 receives no compensation from the county or municipal
9 corporation or from the citizens thereof for his or her services as
10 the deputy. This exclusion is operative only as to employment by
11 the county or municipal corporation and does not deprive any
12 person so deputized from recourse against a private person
13 employing him or her for injury occurring in the course of and
14 arising out of the employment.

15 (d) Any person performing voluntary services at or for a
16 recreational camp, hut, or lodge operated by a nonprofit
17 organization, exempt from federal income tax under Section
18 101(6) of the Internal Revenue Code, of which he or she or a
19 member of his or her family is a member and who receives no
20 compensation for those services other than meals, lodging, or
21 transportation.

22 (e) Any person performing voluntary service as a ski patrolman
23 who receives no compensation for those services other than meals
24 or lodging or the use of ski tow or ski lift facilities.

25 (f) Any person employed by a ski lift operator to work at a snow
26 ski area who is relieved of and not performing any prescribed
27 duties, while participating in recreational activities on his or her
28 own initiative.

29 (g) Any person, other than a regular employee, participating in
30 sports or athletics who receives no compensation for the
31 participation other than the use of athletic equipment, uniforms,
32 transportation, travel, meals, lodgings, or other expenses
33 incidental thereto.

34 (h) Any person defined in subdivision (d) of Section 3351 who
35 was employed by the employer to be held liable for less than 52
36 hours during the 90 calendar days immediately preceding the date
37 of the injury for injuries, as defined in Section 5411, or during the
38 90 calendar days immediately preceding the date of the last
39 employment in an occupation exposing the employee to the
40 hazards of the disease or injury for injuries, as defined in Section



5412, or who earned less than one hundred dollars (\$100) in wages from the employer during the 90 calendar days immediately preceding the date of the injury for injuries, as defined in Section 5411, or during the 90 calendar days immediately preceding the date of the last employment in an occupation exposing the employee to the hazards of the disease or injury for injuries, as defined in Section 5412.

(i) Any person performing voluntary service for a public agency or a private, nonprofit organization who receives no remuneration for the services other than meals, transportation, lodging, or reimbursement for incidental expenses.

(j) Any person, other than a regular employee, performing officiating services relating to amateur sporting events sponsored by any public agency or private, nonprofit organization, who receives no remuneration for these services other than a stipend for each day of service no greater than the amount established by the Department of Personnel Administration as a per diem expense for employees or officers of the state. The stipend shall be presumed to cover incidental expenses involved in officiating, including, but not limited to, meals, transportation, lodging, rule books and courses, uniforms, and appropriate equipment.

(k) Any student participating as an athlete in amateur sporting events sponsored by any public agency, public or private nonprofit college, university or school, who receives no remuneration for the participation other than the use of athletic equipment, uniforms, transportation, travel, meals, lodgings, scholarships, grants-in-aid, or other expenses incidental thereto.

(l) Any law enforcement officer who is regularly employed by a local or state law enforcement agency in an adjoining state and who is deputized to work under the supervision of a California peace officer pursuant to paragraph (4) of subdivision (a) of Section 832.6 of the Penal Code.

(m) Any law enforcement officer who is regularly employed by the Oregon State Police, the Nevada Department of Motor Vehicles and Public Safety, or the Arizona Department of Public Safety and who is acting as a peace officer in this state pursuant to subdivision (a) of Section 830.32 of the Penal Code.

(n) Any person, other than a regular employee, performing services as a sports official for an entity sponsoring an intercollegiate or interscholastic sports event, or any person

1 performing services as a sports official for a public agency, public
2 entity, or a private nonprofit organization, which public agency,
3 public entity, or private nonprofit organization sponsors an
4 amateur sports event. For purposes of this subdivision, “sports
5 official” includes an umpire, referee, judge, scorekeeper,
6 timekeeper, or other person who is a neutral participant in a sports
7 event.

8 *(o) Any person confined in the county jail, industrial farm, road*
9 *camp, or city jail under a final judgment of imprisonment rendered*
10 *in a criminal action or proceeding, or confined as a condition of*
11 *probation after suspension of imposition of a sentence or*
12 *suspension of execution of sentence, including any person on a*
13 *work release program, regardless of whether the services*
14 *performed are on a voluntary or involuntary basis.*

15 SEC. 3. Section 3363.5 of the Labor Code is amended to read:

16 3363.5. (a) Notwithstanding Sections 3351, 3352, and 3357,
17 a person who performs voluntary service without pay for a public
18 agency, as designated and authorized by the governing body of the
19 agency or its designee, shall, upon adoption of a resolution by the
20 governing body of the agency so declaring, be deemed to be an
21 employee of the agency for purposes of this division while
22 performing ~~such~~ that service.

23 (b) For purposes of this section, “voluntary service without
24 pay” shall include services performed by any person, who receives
25 no remuneration other than meals, transportation, lodging, or
26 reimbursement for incidental expenses.

27 *(c) This section shall not apply to any person confined in a*
28 *county or city jail, including a person on a work release program,*
29 *who performs voluntary service without pay for a public agency.*

30 SEC. 4. Section 3370 of the Labor Code is repealed.

31 ~~3370. (a) Each inmate of a state penal or correctional~~
32 ~~institution shall be entitled to the workers’ compensation benefits~~
33 ~~provided by this division for injury arising out of and in the course~~
34 ~~of assigned employment and for the death of the inmate if the~~
35 ~~injury proximately causes death, subject to all of the following~~
36 ~~conditions:~~

37 ~~(1) The inmate was not injured as the result of an assault in~~
38 ~~which the inmate was the initial aggressor, or as the result of the~~
39 ~~intentional act of the inmate injuring himself or herself.~~

1 ~~(2) The inmate shall not be entitled to any temporary disability~~
2 ~~indemnity benefits while incarcerated in a state prison.~~

3 ~~(3) No benefits shall be paid to an inmate while he or she is~~
4 ~~incarcerated. The period of benefit payment shall instead~~
5 ~~commence upon release from incarceration. If an inmate who has~~
6 ~~been released from incarceration, and has been receiving benefits~~
7 ~~under this section, is reincarcerated in a city or county jail, or state~~
8 ~~penal or correctional institution, the benefits shall cease~~
9 ~~immediately upon the inmate's reincarceration and shall not be~~
10 ~~paid for the duration of the reincarceration.~~

11 ~~(4) This section shall not be construed to provide for the~~
12 ~~payment to an inmate, upon release from incarceration, of~~
13 ~~temporary disability benefits which were not paid due to the~~
14 ~~prohibition of paragraph (2).~~

15 ~~(5) In determining temporary and permanent disability~~
16 ~~indemnity benefits for the inmate, the average weekly earnings~~
17 ~~shall be taken at not more than the minimum amount set forth in~~
18 ~~Section 4453.~~

19 ~~(6) Where a dispute exists respecting an inmate's rights to the~~
20 ~~workers' compensation benefits provided herein, the inmate may~~
21 ~~file an application with the appeals board to resolve the dispute.~~
22 ~~The application may be filed at any time during the inmate's~~
23 ~~incarceration.~~

24 ~~(7) After release or discharge from a correctional institution,~~
25 ~~the former inmate shall have one year in which to file an original~~
26 ~~application with the appeals board, unless the time of injury is such~~
27 ~~that it would allow more time under Section 5804 of the Labor~~
28 ~~Code.~~

29 ~~(8) The percentage of disability to total disability shall be~~
30 ~~determined as for the occupation of a laborer of like age by~~
31 ~~applying the schedule for the determination of the percentages of~~
32 ~~permanent disabilities prepared and adopted by the administrative~~
33 ~~director.~~

34 ~~(9) This division shall be the exclusive remedy against the state~~
35 ~~for injuries occurring while engaged in assigned work or work~~
36 ~~under contract. Nothing in this division shall affect any right or~~
37 ~~remedy of an injured inmate for injuries not compensated by this~~
38 ~~division.~~

39 ~~(b) The Department of Corrections shall present to each inmate~~
40 ~~of a state penal or correctional institution, prior to his or her first~~

1 assignment to work at the institution, a printed statement of his or
2 her rights under this division, and a description of procedures to
3 be followed in filing for benefits under this section. The statement
4 shall be approved by the administrative director and be posted in
5 a conspicuous place at each place where an inmate works.

6 (c) ~~Notwithstanding any other provision of this division, the~~
7 ~~Department of Corrections shall have medical control over~~
8 ~~treatment provided an injured inmate while incarcerated in a state~~
9 ~~prison, except, that in serious cases, the inmate is entitled, upon~~
10 ~~request, to the services of a consulting physician.~~

11 (d) ~~Paragraphs (2), (3), and (4) of subdivision (a) shall also be~~
12 ~~applicable to an inmate of a state penal or correctional institution~~
13 ~~who would otherwise be entitled to receive workers'~~
14 ~~compensation benefits based on an injury sustained prior to his or~~
15 ~~her incarceration. However, temporary and permanent disability~~
16 ~~benefits which, except for this subdivision, would otherwise be~~
17 ~~payable to an inmate during incarceration based on an injury~~
18 ~~sustained prior to incarceration shall be paid to the dependents of~~
19 ~~the inmate. If the inmate has no dependents, the temporary~~
20 ~~disability benefits which, except for this subdivision, would~~
21 ~~otherwise be payable during the inmate's incarceration shall be~~
22 ~~paid to the State Treasury to the credit of the Uninsured Employers~~
23 ~~Fund, and the permanent disability benefits which would~~
24 ~~otherwise be payable during the inmate's incarceration shall be~~
25 ~~held in trust for the inmate by the Department of Corrections~~
26 ~~during the period of incarceration.~~

27 For purposes of this subdivision, "dependents" means the
28 inmate's spouse or children, including an inmate's former spouse
29 due to divorce and the inmate's children from that marriage.

30 (e) ~~Notwithstanding any other provision of this division, an~~
31 ~~employee who is an inmate, as defined in subdivision (e) of~~
32 ~~Section 3351 who is eligible for vocational rehabilitation services~~
33 ~~as defined in Section 4635 shall only be eligible for direct~~
34 ~~placement services.~~

35 *SEC. 5. Section 3371 of the Labor Code is repealed.*

36 3371. ~~If the issues are complex or if the inmate applicant~~
37 ~~requests, the Department of Corrections shall furnish a list of~~
38 ~~qualified workers' compensation attorneys to permit the inmate~~
39 ~~applicant to choose an attorney to represent him or her before the~~
40 ~~appeals board.~~

1 *SEC. 6. Section 2601 of the Penal Code is amended to read:*

2 2601. Subject only to the provisions of that section, each
3 person described in Section 2600 shall have the following civil
4 rights:

5 (a) Except as provided in Section 2225 of the Civil Code, to
6 inherit, own, sell, or convey real or personal property, including
7 all written and artistic material produced or created by the person
8 during the period of imprisonment. However, to the extent
9 authorized in Section 2600, the Department of Corrections may
10 restrict or prohibit sales or conveyances that are made for business
11 purposes.

12 (b) To correspond, confidentially, with any member of the
13 State Bar or holder of public office, provided that the prison
14 authorities may open and inspect incoming mail to search for
15 contraband.

16 (c) (1) To purchase, receive, and read any and all newspapers,
17 periodicals, and books accepted for distribution by the United
18 States Post Office. Pursuant to this section, prison authorities may
19 exclude any of the following matter:

20 (A) Obscene publications or writings, and mail containing
21 information concerning where, how, or from whom this matter
22 may be obtained.

23 (B) Any matter of a character tending to incite murder, arson,
24 riot, violent racism, or any other form of violence.

25 (C) Any matter concerning gambling or a lottery.

26 (2) Nothing in this section shall be construed as limiting the
27 right of prison authorities to do the following:

28 (A) Open and inspect any and all packages received by an
29 inmate.

30 (B) Establish reasonable restrictions as to the number of
31 newspapers, magazines, and books that the inmate may have in his
32 or her cell or elsewhere in the prison at one time.

33 (d) To initiate civil actions, subject to a three dollar (\$3) filing
34 fee to be collected by the Department of Corrections, in addition
35 to any other filing fee authorized by law, and subject to Title 3a
36 (commencing with Section 391) of the Code of Civil Procedure.

37 (e) To marry.

38 (f) To create a power of appointment.

39 (g) To make a will.

~~(h) To receive all benefits provided for in Sections 3370 and 3371 of the Labor Code and in Section 5069.~~

SEC. 7. Section 4017 of the Penal Code is amended to read:

4017. (a) All persons confined in the county jail, industrial farm, road camp, or city jail under a final judgment of imprisonment rendered in a criminal action or proceeding and all persons confined in the county jail, industrial farm, road camp, or city jail as a condition of probation after suspension of imposition of a sentence or suspension of execution of sentence may be required by an order of the board of supervisors or city council to perform labor on the public works or ways in the county or city, respectively, and to engage in the prevention and suppression of forest, brush, and grass fires upon lands within the county or city, respectively, or upon lands in adjacent counties where the suppression of fires would afford fire protection to lands within the county.

~~Whenever any such person so in custody shall suffer injuries or death while working in the prevention or suppression of forest, brush or grass fires he shall be considered to be an employee of the county or city, respectively, for the purposes of compensation under the provisions of the Labor Code regarding workmen's compensation and such~~

(b) This work shall be performed under the direct supervision of a local, state, or federal employee whose duties include fire prevention and suppression work. A regularly employed member of an organized fire department shall not be required to directly supervise more than 20 ~~such~~ of those persons ~~so~~ in custody.

~~As—~~

(c) As used in this section, "labor on the public works" includes clerical and menial labor in the county jail, industrial farm, camps maintained for the labor of ~~such~~ those persons upon the ways in the county, or city jail.

SEC. 8. Section 4024.2 of the Penal Code is amended to read:

4024.2. (a) Notwithstanding any other law, the board of supervisors of any county may authorize the sheriff or other official in charge of county correctional facilities to offer a voluntary program under which any person committed to the facility may participate in a work release program pursuant to criteria described in subdivision (b), in which one day of participation will be in lieu of one day of confinement.

(b) The criteria for a work release program are the following:

(1) The work release program shall consist of any of the following:

(A) Manual labor to improve or maintain levees or public facilities, including, but not limited to, streets, parks, and schools.

(B) Manual labor in support of nonprofit organizations, as approved by the sheriff or other official in charge of the correctional facilities. ~~As a condition of assigning participants of a work release program to perform manual labor in support of nonprofit organizations pursuant to this section, the board of supervisors shall obtain workers' compensation insurance which shall be adequate to cover work-related injuries incurred by those participants, in accordance with Section 3363.5 of the Labor Code.~~

(C) Performance of graffiti cleanup for local governmental entities, including participation in a graffiti abatement program as defined in subdivision (f) of Section 594, as approved by the sheriff or other official in charge of the correctional facilities.

(D) Performance of weed and rubbish abatement on public and private property pursuant to Chapter 13 (commencing with Section 39501) of Division 3 of Title 4 of the Government Code, or Part 5 (commencing with Section 14875) or Part 6 (commencing with Section 14930) of Division 12 of the Health and Safety Code, as approved by the sheriff or other official in charge of the correctional facilities.

(E) Performance of house repairs or yard services for senior citizens and the performance of repairs to senior centers through contact with local senior service organizations, as approved by the sheriff or other official in charge of the correctional facilities. Where a work release participant has been assigned to this task, the sheriff or other official shall agree upon in advance with the senior service organization about the type of services to be rendered by the participant and the extent of contact permitted between the recipients of these services and the participant.

(F) Any person who is not able to perform manual labor as specified in this paragraph because of a medical condition, physical disability, or age, may participate in a work release program involving any other type of public sector work that is designated and approved by the sheriff or other official in charge of county correctional facilities.

(2) The sheriff or other official may permit a prisoner participating in a work release program to receive work release credit for participation in education, vocational training, or substance abuse programs in lieu of performing labor in a work release program on an hour-for-hour basis. However, credit for that participation may not exceed one-half of the hours established for the work release program, and the remaining hours shall consist of manual labor described in paragraph (1).

(3) The work release program shall be under the direction of a responsible person appointed by the sheriff or other official in charge.

(4) (A) The hours of labor to be performed pursuant to this section shall be uniform for all persons committed to a facility in a county and may be determined by the sheriff or other official in charge of county correctional facilities, and each day shall be a minimum of 8 and a maximum of 10 hours, in accordance with the normal working hours of county employees assigned to supervise the programs. However, reasonable accommodation may be made for participation in a program under paragraph (2).

~~As~~

(B) As used in this section, “nonprofit organizations” means organizations established or operated for the benefit of the public or in support of a significant public interest, as set forth in Section 501(c)(3) of the Internal Revenue Code. Organizations established or operated for the primary purpose of benefiting their own memberships are specifically excluded.

(c) (1) The board of supervisors may prescribe reasonable rules and regulations under which a work release program is operated and may provide that participants wear clothing of a distinctive character while performing the work. As a condition of participating in a work release program, a person shall give his or her promise to appear for work or assigned activity by signing a notice to appear before the sheriff or at the education, vocational, or substance abuse program at a time and place specified in the notice and shall sign an agreement that the sheriff may immediately retake the person into custody to serve the balance of his or her sentence if the person fails to appear for the program at the time and place agreed to, does not perform the work or activity assigned, or for any other reason is no longer a fit subject for release under this section. A copy of the notice shall be delivered



to the person and a copy shall be retained by the sheriff. Any person who willfully violates his or her written promise to appear at the time and place specified in the notice is guilty of a misdemeanor.

~~Whenever~~

(2) *Whenever* a peace officer has reasonable cause to believe the person has failed to appear at the time and place specified in the notice or fails to appear or work at the time and place agreed to or has failed to perform the work assigned, the peace officer may, without a warrant, retake the person into custody, or the court may issue an arrest warrant for the retaking of the person into custody, to complete the remainder of the original sentence. A peace officer may not retake a person into custody under this subdivision, without a warrant for arrest, unless the officer has a written order to do so, signed by the sheriff or other person in charge of the program, that describes with particularity the person to be retaken.

(d) (1) Nothing in this section shall be construed to require the sheriff or other official in charge to assign a person to a program pursuant to this section if it appears from the record that the person has refused to satisfactorily perform as assigned or has not satisfactorily complied with the reasonable rules and regulations governing the assignment or any other order of the court.

A

(2) A person shall be eligible for work release under this section only if the sheriff or other official in charge concludes that the person is a fit subject therefor.

(e) The board of supervisors may prescribe a program administrative fee, not to exceed the pro rata cost of administration, to be paid by each person according to his or her ability to pay.

SEC. 9. Section 5069 of the Penal Code is repealed.

~~5069. (a) The administrative director of the Division of Industrial Accidents shall formulate procedures for the selection and orderly referral of injured inmates of state penal or correctional institutions who may be benefited by rehabilitation services and retrained for other positions upon release from incarceration. The State Department of Rehabilitation shall cooperate in both designing and monitoring results of rehabilitation programs for the disabled inmates. The primary purpose of this section is to rehabilitate injured inmates in order~~

1 ~~that they might engage in suitable and gainful employment upon~~
2 ~~their release.~~

3 ~~(b) The director shall notify the injured inmate of the~~
4 ~~availability of rehabilitation services in those cases where there is~~
5 ~~continuing disability of 28 days and beyond. A copy of such~~
6 ~~notification shall be forwarded to the State Department of~~
7 ~~Rehabilitation.~~

8 ~~(c) The initiation of a rehabilitation plan shall be the~~
9 ~~responsibility of the director.~~

10 ~~(d) Upon establishment of a rehabilitation plan, the injured~~
11 ~~inmate shall cooperate in carrying it out.~~

12 ~~(e) The injured inmate shall receive such medical and~~
13 ~~vocational rehabilitative services as may be reasonably necessary~~
14 ~~to restore him to suitable employment.~~

15 ~~(f) The injured inmate's rehabilitation benefit is an additional~~
16 ~~benefit and shall not be converted to or replace any workmen's~~
17 ~~compensation benefit available to him.~~

18 ~~read:~~

19 ~~3208. "Injury" includes any injury or disease arising out of~~
20 ~~employment, including injuries to artificial members, dentures,~~
21 ~~hearing aids, eyeglasses, and medical braces of all types, provided,~~
22 ~~however, that eyeglasses and hearing aids will not be replaced,~~
23 ~~repaired, or otherwise compensated for, unless injury to them is~~
24 ~~incident to an injury causing disability.~~